

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 L-03 CAB-05 CIAE-00 COME-00
DODE-00 DOTE-00 INR-07 NSAE-00 EPG-02 FAA-00 SS-15
NSC-05 SSO-00 NSCE-00 AID-05 TRSE-00 SP-02 INRE-00
/064 W

-----100757 271735Z /40

O R 271633Z JUN 77
FM AMEMBASSY MADRID
TO SECSTATE WASHDC IMMEDIATE 783
INFO AMEMBASSY BRUSSELS
AMCONGEN FRANKFURT

UNCLAS MADRID 4832

DEPARTMENT PASS FAA/AIA, BRUSSELS AND FRANKFURT FOR FAA

E.O. 11652: N/A
TAGS: EAIR, US SP
SUBJECT: PROPOSED US-SPANISH AGREEMENT TO ESTABLISH CIVIL-
AVIATION ASSISTANCE GROUP (CAAG) IN SPAIN

REF: MADRID 4763; STATE 147990

1. AS EMBASSY POINTED OUT IN MADRID 4763 GOS IS RELUCTANT TO CONCLUDE
AGREEMENT AS FORESEEN IN ALTERNATIVE B, I.E. BY REMOVING ARTICLE ON
STATUS OF PERSONNEL AND CONCLUDING FAA-AIR MINISTRY AGREEMENT.
SPANISH PROBLEM, AS EXPLAINED AT LENGTH TO EMBOFF ON JUNE 27 BY MFA
LAWYER, IS THAT ONLY MFA CAN MAKE INTERNATIONAL AGREEMENTS FOR GOS,
REGARDLESS OF WHETHER DIPLOMATIC STATUS SECTION IS CONCLUDED OR NOT.
MINISTER OF AIR COULD SIGN SUCH AGREEMENT FOR GOS ONLY WITH SPECIAL
PLENIPOTENTIARY FROM HIGHER SPANISH AUTHORITY.

2. IN ATTEMPT UNRAVEL GORDIAN KNOT MFA LAWYER SUGGESTED THAT MINISTRY
OF AIR COULD SIGN "ADMINISTRATIVE CONTRACT" DIRECTLY WITH FAA, WITH
NEW LANGUAGE IN ARTICLE III FROM STATE 147990. NOTE THAT THIS WOULD
BE FAA-MINISTRY OF AIR CONTRACT, SUBJECT IN ALL RESPECTS TO
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SPANISH DOMESTIC LAW AND NOT TO INTERNATIONAL LAW. LANGUAGE
WOULD BE BASICALLY AS FORESEEN IN PROPOSED EXCHANGE OF NOTES
EXCEPT THAT REFERENCE TO "UNITED STATES GOVERNMENT" AND
"GOVERNMENT OF SPAIN" WOULD BE CHANGED THROUGHOUT TO READ SIMPLY
"FEDERAL AVIATION ADMINISTRATION (FAA)" AND "MINISTRY OF AIR."
MFA LAWYER BELIEVES THIS WOULD BE ACCEPTABLE TO MINISTRY OF AIR,
BUT EMBOFF INTENDS TO CHECK WITH MINISTRY OF AIR LEGAL SECTION

TODAY OR TOMORROW.

3. STATUS OF FAA PERSONNEL WOULD BE COVERED AS FORESEEN IN STATE 147990 THROUGH NORMAL EXCHANGE OF NOTES BETWEEN EMBASSY AND MFA. ALTHOUGH MFA OFFICIAL POINTED OUT THAT GOS HAD RIGHT TO DENY REQUESTED STATUS TO PERSONNEL HE SAID HE DID NOT ANTICIPATE THIS AS PROBABLE. EMBOFF STATED THAT IF STATUS NOT GRANTED IT COULD BE ASSUMED THAT FAA WOULD NOT SEND PERSONNEL TO ASSIST GOS.

4. IN ANTICIPATION THAT ABOVE PROPOSAL MIGHT NOT BE ACCEPTABLE TO FAA, EMBOFF DISCUSSED WITH MFA OFFICIAL ALTERNATIVE A OF MADRID 4763. EMBOFF EXPLAINED ALTERNATIVE IN LAYMAN'S TERMS AS USG PROPOSED AGREEMENT SIGNED BY FAA FOR USG AND TRANSMITTED TO GOS BY EMBASSY NOTE. MFA REPLY NOTE ACCEPTING PROPOSAL FOR GOS WOULD CONCLUDE AGREEMENT. IN THIS MANNER BOTH US AND SPANISH LEGAL REQUIREMENTS COULD BE SATISFIED AS TO AUTHORITY TO SIGN SUCH AGREEMENTS. MFA LAWYER SAID HE BELIEVED THIS ALTERNATIVE WOULD BE ACCEPTABLE TO GOS, ALTHOUGH IT WOULD REQUIRE APPROVAL OF THE COUNCIL OF MINISTERS FOR THE ALTERNATIVE LANGUAGE.

5. COMMENT AND ACTION REQUESTED: IF CONCEPT OF "ADMINISTRATIVE CONTRACT" AS EXPLAINED ABOVE IS ACCEPTABLE TO FAA, EMBASSY SUGGEST THAT PROPOSED AGREEMENT BE RE-TYPED TO INCLUDE NEW ARTICLE III LANGUAGE FROM STATE 147990, SIGNED BY MR. CARY AND FORWARDED TO EMBASSY FOR SIGNATURE BY MINISTRY OF AIR AUTHORITY. IF THIS ALTERNATIVE IS NOT FEASIBLE, PLEASE INFORM EMBASSY IF UNCLASSIFIED

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ALTERNATIVE A, MADRID 4763, IS ACCEPTABLE AND WE WILL PROCEED WITH THAT PROPOSAL. IN ANY CASE EMBASSY HAS POUCHED ON JUNE 27 TWO COPIES OF ALTERNATIVE A DRAFT NOTES FOR SIGNATURE OF MR. CARY IF THESE ARE REQUIRED. MFA OFFICIAL POINTED OUT THAT ADMINISTRATIVE REFORM OF SPANISH GOVERNMENT, INCLUDING PROBABLE CREATION OF MINISTRY OF TRANSPORT AND COMMUNICATIONS, WHICH IS ANTICIPATED IN NEAR FUTURE, MIGHT AFFECT PLANS FOR CREATION CAAG. HOWEVER, EMBASSY BELIEVES WE SHOULD PROCEED WITH PROPOSED COURSE OF ACTION AS RECOMMENDED ABOVE, KEEPING IN MIND THAT OUTCOME MAY BE ALTERED BY LARGER CHANGES IN SPANISH CIVIL AVIATION ADMINISTRATION. STABLER

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Message Attributes

Automatic Decaptoning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENTS, CIVIL AVIATION, AVIATION, DIPLOMATIC DISCUSSIONS, ESTABLISHMENT OF OFFICES
Control Number: n/a
Copy: SINGLE
Sent Date: 27-Jun-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977MADRID04832
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
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Format: TEL
From: MADRID
Handling Restrictions: n/a
Image Path:
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Legacy Key: link1977/newtext/t19770615/aaaaamqo.tel
Line Count: 104
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Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: d157da75-c288-dd11-92da-001cc4696bcc
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TAGS: EAIR, US, SP
To: STATE
Type: TE
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Review Markings:
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